

REMARKS

Applicants acknowledge receipt of an Office Action dated August 27, 2008. Claims 1-20 remain pending and under consideration in the application. Applicants respectfully request reconsideration of the present application in view of the reasons that follow.

Rejection Under 35 U.S.C. § 102(b)

On page 2 of the Office Action, the PTO has rejected claims 1-20 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent 5,910,099, Jordan Jr. *et al.* (hereafter “Jordan”). Applicants traverse this rejection for the reason set forth below.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See generally MPEP § 2131.

Jordan appears to disclose a cooling system with two separate cooling loops that can be temporarily coupled together, allowing controlled coolant flow from the aftercooler coolant circuit to the engine coolant circuit. (See, for example, col. 2, ll. 28-54 and Fig. 1). However, Jordan only discloses unilateral directional flow from the aftercooler coolant circuit to the engine coolant circuit but not back.

Thus, Jordan fails to disclose that “the low temperature circuit is temporarily coupled to the engine cooling circuit in such a way that coolant passes from one circuit into the other circuit and back” (emphasis added) as recited in independent claim 1, and, for this reason, Jordan cannot properly anticipate claim 1 or any claim depending therefrom.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection under § 102.

CONCLUSION

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment,

to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By P.D.S.

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